

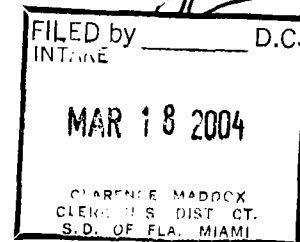
DATE FEBRUARY 27, 2004

FROM ARIEL A HERNANDEZ #50996824

MAIN JAIL BROWARD COUNTY

P.O. BOX 9356

FT. LAUDERDALE, FL. 33310-9356



UNITED STATES DISTRICT COURT, Southern District of Florida

UNITED STATES OF AMERICA,

Plaintiff

CASE NO 00-6273-CR-HUCK

-V-

ARIEL A HERNANDEZ,

DEFENDANT /

MEMORANDUM TO THE JUDGE

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DEAR YOUR HONOR,

THIS DEFENDANT, ARIEL A. HERNANDEZ, is compelled to strongly ALERT, object AND protest THE ACTIONS of this Court. Forgoing upon this DEFENDANT, THE COURT REPORTER AT THE Limited REMAND HEARING, on September 8 AND 12, 2003 AGAIN FAILED to TRANSCRIBE verbatim what transpired AT this HEARING with effects A bias, AND prejudice AGAINST this DEFENDANT OR IN FAVOR of the GOVERNMENT, AND HARM AND FEAR, such ACTIONS ARE CAUSING THE DEFENDANT AS EFFECTING THE FAIRNESS of this APPEAL

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AND Right to DUE PROCESS, MAY The Actions BE REVERSED OR CORRECTED, SO THAT This DEFENDANT CAN be subject to A FAIR, UN-bias, AND UN-PREJUDICIAL JUDGEMENT. This DEFENDANT AVERS The Following in Support.

1. This DEFENDANT WAS CONVICTED OF FIRST DEGREE MURDER AND RACKETEERING,<sup>1</sup> ON DIRECT APPEAL, CASE WAS REMANDED back to trial Judge HUCK for an Important RECONSTRUCTION portion of the RECORD, INvolving played TAPES BEFORE The JURY, THAT The COURT REPORTER FAILED to RECORD UERBATIM,<sup>2</sup> DURING This RECONSTRUCTION HEARING, problem evoked with effects A bias, AND prejudice AGAINST This DEFENDANT OR IN FAVOR OF The GOVERNMENT, FURTHER EFFECTING The FAIRNESS AND DUE PROCESS OF This APPEAL.
2. ON September 8, 2003 DATE OF COMMENCEMENT to The Limited REMAND to REconstruct, Judge HUCK MADE SEVERAL comments ON RECORD,<sup>3</sup> THAT CAN only be deemed prejudicial to This DEFENDANT.  
A) This being The re-Appointment of CONFLICTING COUNSEL Jeffrey Weinkle B) ON September 8 AND 12 OF 2003 There WAS AN INABILITY to Accurately HAVE crucial portions of The RECORD REconstructed! LEADING only For The GOVERNMENT AND DEFENSE to stipulate THAT: "TAPES WERE played" but NO AGREEABLE

CONSENSUS AS to what portions, ORDER, AND Content.

PROBLEM:

3. On December 2003<sup>4</sup>, This defendant Received A copy of THE transcripts to The Limited Remand Hearing on September 8 AND 12 of 2003. AND to This DEFENDANTS' Surprise, Key portions of This Limited Remand Hearing of September 8 AND 12 WERE NOT TRANSCRIBE VERbatim, Such AS in Support:
  - A.) Judge Hucks' conflicted Re-Appointment of Jeffrey Weinkle
  - B.) Judge Hucks' prejudicial remarks stating "I Dont CARE what The DEFENDANT WANTS. I Am doing This ANYWAYS" (CONCERNING Weinkles' Re-Appointment)
  - C.) Appealant Counsel Richard Rosenbaums' objections AND protest to Weinkles' Re-Appointment (SEE G)
  - D.) DEFENDANTS' own objections AND protest to Weinkles' Re-Appointment.
  - E.) Judge Hucks' comments At The Limited Remand Hearing Stating he was A witness AND HAD recollections As to what tapes were played & CLEARLY taking sides with The Government.
  - F.) Comments AND Objections MADE by CHARLES LEE AND DONALD SAMMUEL, Appealant Counsels For TRENTACOSTA.

G.) DEFENDANTS Counsel Richard Rosenbaum has stated to this DEFENDANT. That "HE clearly REMEMBERS This DEFENDANTS AND His own objections AND protest to MR. Weinkle's Re-Appointment. (These objections AND protest were omitted from The Limited Remand Hearing on September 8, 2003 transcripts, As well As other omitted portions.)

#### 4. Conclusion:

This DEFENDANT ASKS How CAN The Court be Intrusted AND NOT be prejudicial, When The issues At The Limited Remand (which were the court reporters failed to transcribe verbatim key portion of the trial,<sup>5</sup> Now occurs Again At The Limited Remand Hearing of September 8 AND 12 of 2003.<sup>6</sup> RAISING This DEFENDANTS Distrust in The Court to A FAIR, UNBIAS, AND UN-prejudicial due process of The LAW. ADDING How Does The Defendant Stop This From Reoccurring, AND Now effecting his Appeals. Is Anyone Listening?

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#### Footnotes:

1 Convicted December, 2001 of RICO AND VICAR

2 Judge Hooks Reappointment of conflicted co counsel Jeffery Weinkle. (September 2003)

3 Remand Granted June 2003

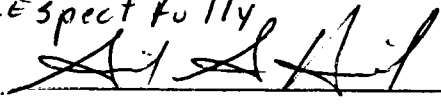
4 DECEMBER 2003, DEFENDANT RECEIVES A COPY OF  
THE TRANSCRIPT OF THE LIMITED REMAND HEARING  
FROM HIS APPELLANT COUNSEL RICHARD ROSENBAUM

5 Trial commenced NOVEMBER 2001 ENDED IN  
DECEMBER 2001

6 Limited Remand Hearing conducted on September  
8 AND September 12, 2003

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5 UNNOTARIZED OATH, UNDER penalty of Perjury,  
I, Ariel A Hernandez, Affirm That Everything  
said in This MEMORANDUM is true

Respectfully,  
  
ARIEL A. HERNANDEZ  
# 50996824.

cc. Judge Huck  
Richard Rosenbaum ESQ  
Ms L Hirsh ESQ  
MR. LAUCCHEO ESQ  
CLERK of Court  
My File

PS This DEFENDANTS Counsel Richard Rosenbaum  
has diligently tried to receive a true AND Accurate  
TRANSCRIPT from The Court Reporter on This September  
8 AND 12<sup>th</sup>, 2003 Limited Remand Hearing.